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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,793

11/26/2003

Jung S. Moon

0807.68722

7220

7590

04/25/2006

GREER, BURNS & CRAIN, LTD.

Suite 2500

300 South Wacker Drive

Chicago, IL 60606

EXAMINER

SIMONE, TIMOTHY F

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/722,793

Applicant(s)

MOON ET AL.

Examiner

Timothy F. Simone

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "vent pipe" 126. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1, 3-9, 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 9, for example, it is not clear what is meant by the airflow "exiting" the wind tunnel, since it is recited that the airflow merely "passes through" the wind tunnel. Also, in claim 15, it is unclear how the vent attachment is configured and adapted to be removably connected to an elongated vent pipe. Clarification is requested.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka, et al. (JP 04023976 A) in view of Gerhardt, et al. (US 6,053,093). Hatanaka, et al. discloses a roaster for roasting coffee beans (Fig. 1) including a roasting chamber (14) having a top and a bottom, a cover (15) seated on the top of the roasting chamber, a base (e.g., the structure containing parts 2 and 3) on

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which the bottom of the roasting chamber (13) is seated, a fan (3) provided in the base for supplying hot airflow into the roasting chamber for heating coffee beans, at least one air opening (7) formed on the bottom for enabling the airflow to enter the roasting chamber, and a wind tunnel (13) provided over the at least one air opening and having an inlet and an outlet for increasing the speed of the airflow in the roasting chamber as the airflow passes through the wind tunnel. The patent to Gerhardt, et al. discloses that it is well known in the art to have a deflector (32) for deflecting coffee beans in a coffee roaster. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the coffee roaster of Hatanaka, et al. with a deflector in the manner suggested by Gerhardt, et al. in order to deflect coffee beans carried by the airflow passing through the wind tunnel, if desired.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatanaka, et al. (JP 04023976 A) in view of Helman, et al. (US 6,460,451). Regarding claim 15, Hatanaka, et al. discloses a roaster for roasting coffee beans including a roasting chamber (14), a fan (3) for supplying heated airflow into the roasting chamber, a cover (15) seated on top of the roasting chamber, at least one opening (e.g., at the uppermost end) provided on the cover and capable of allowing smoke from the roasting chamber to exit therefrom, and structure (16) capable of functioning as a smoke vent attachment removably mounted on the cover for receiving smoke exiting through the at least one opening on the cover, the vent attachment being configured and adapted to be removably connected to an elongated vent pipe for channeling the smoke away from

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the roaster (e.g., a cylindrical pipe having an inner diameter that is the same as the outer diameter of part 16). The patent to Helman, et al. has been further cited to teach a structure capable of functioning as a smoke vent attachment (178) removably mounted on a cover (20) which could receive smoke exiting through an opening on the cover wherein the vent attachment (178) being configured and adapted to be removably connected to an elongated vent pipe (i.e. 186). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the roaster of Hatanaka, et al. with vent structure in the manner suggested by Helman, et al. in order to channel smoke from the roaster, if desired.


### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy F. Simone whose telephone number is 571-272-1407. The examiner can normally be reached on weekdays between 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 521-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy F. Simone  
Primary Examiner  
Art Unit 1761